Response to Comment C4-25

The CEQA (Cal. Pub. Res. Code Section 21000 et seq.; 14 Cal. Code Regs. Section 15000-15387) does not govern approval of the AHCP/CCAA or issuance of the Permits..

The NEPA (42 U.S.C.A. Section 4371 et seq.; 40 C.F.R. Parts 1500-15081) requires the Services and other agencies of the Federal government to incorporate environmental considerations in their planning and decision-making processes. The information used must be "of high quality" and the scientific analysis "accurate" (40 CFR Section 1500.1(b)). More specifically, NEPA requires the Services to "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements…. [to] identify any methodologies used and… make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement" (40 CFR Section 1502.24). However, "[u]ltimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork - even excellent paperwork - but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment" (40 CFR Section 1500.1(c)).

The Services have used current, accurate scientific information throughout its review of the Plan and preparation of the EIS. See AHCP/CCAA Section 9 for the list of literature cited and the appendices for the summaries of Green Diamond's studies within the Plan Area and see Master Response 1.3 regarding the adequacy of the data used to support and evaluate the Plan and Draft EIS.

C4-25

Conclusion: The Aquatic HCP and Draft EIS do not use best science in interpreting conditions or forging a plan for the conservation of species such as coho salmon. The documents ignore the significance of documents characterizing species status (Higgins et al., 1992; NMFS, 2001; CDFG, 2002), riparian function (Chen, 1991; FEMAT, 1993), what drives stream temperatures (Bartholow, 1989; Poole and Berman, 2000) and how elevated water temperatures affect coho salmon (Welsh et al., 2001; Hines and Ambrose, In Review). Use of "best science" is required under both CEQA and NEPA; therefore, this documents lacks sufficiency with regard to these laws.

C4-26

The Aquatic HCP failed to provide adequate data to characterize fish populations, especially ESA protected species and to provide standard data about aquatic habitat quality. NMFS should patently reject the document because it does not provide the basis for management needed by an ESA related document. Simpson has collected data pursuant to its HCP since 1994 yet they have provided very little of that data in useful form. This is unacceptable for public trust protection and unworkable as an ESA document. NMFS should require sharing of all fish, aquatic and watershed data collected by Simpson to be shared with all interested parties, including in raw form.

C4-27

The Aquatic HCP of cumulative effects discussions do not broach receiving water bodies downstream and the potential effects of management on them. It fails also to assess what impacts may be from other owners in the basin and their past and future land management. Monitoring plans in the HCP lack focus to discern cumulative effects related problems. NMFS needs to require Simpson to monitor fish and aquatic habitats in standards way and share results. There must be clear targets for fish and habitat recovery. Similar targets and objectives are needed for road densities and thresholds of disturbance for timber harvest.

C4-28

This HCP fails to call for watershed rest, in order to recover restore natural hydrologic regimes and channel conditions that support that support diverse salmonid communities, when there is no substitute for that prescription (Kauffmann et al., 1999). The lack of strategy in reducing road related erosion will make it likely that investments will maintain access to areas for timber harvest but allow further degradation of key habitats. The fact that Simpson has more than double the recommended road densities to protect salmonids (Cedarholm et al, 1982; NMFS, 1996) and roughly twice what it can maintain, roads should be reduced by half.

C4-29

The practices Simpson proposes will be locked in for 50 years, with little authority of NMFS to re-negotiate prescriptions. The NMFS has also initiated recovery planning for listed anadromous salmonids, locking in to this management plan oriented towards timber harvest as a primary objective may put it in conflict with the recovery planning process. NMFS has more stringent guidelines it has offered for forestry practices in Oregon (NMFS, 2000) which indicate that protections under the Aquatic HCP are inadequate in this regard. It is widely recognized that California FPRs are deficient in providing for recovery of anadromous salmonids as currently written (Ligon et al., 1999; Dunne et al., 2001), and the HCP mimics or provides less protection than FPR's, which are currently under consideration for revision. It would seem unwise and imprudent to accept the current HCP and Draft EIS.

Sincerely,

Patrick Higgins

The Services believe that the Draft EIS meets the NEPA standard for scientific information used to inform the Services' decision makers regarding the Plan and permits.

Regulations governing ITP applications that are submitted for NMFS' approval require submittal of a conservation plan to be based on the best scientific and commercial data available, which specifies the following: (i) the anticipated impact of the proposed activity on the species (see AHCP/CCAA Section 5); (ii) the anticipated impact of the proposed activity on the habitat of the species and the likelihood of restoration of the affected habitat (see AHCP/CCAA Sections 5, 7); (iii) the steps that will be taken to monitor, minimize and mitigate such impacts and the funding available to implement such measures (see AHCP/CCAA Section 6.2); (iv) the alternatives that were considered and reasons why those alternatives are not being used (see AHCP/CCAA Section 8); and (v) a list of sources used in preparation of the Plan , including communications with recognized experts on the species or activity who may have access to data not published in current literature (see AHCP/CCAA Section 9) (50 C.F.R. Section 222.307(b)(5)). Green Diamond's Plan meets NMFS' requirements.

Response to Comment C4-26

The Services find that the Plan includes site-specific data that have contributed significantly to the analysis and development of the measures proposed in the Plan. Current fish populations and habitat quality are part of the baseline conditions, which are discussed in Master Response 1. AHCP/CCAA Sections 3 and 4 and the Appendices also provide fish population and habitat information: Section 3 provides a description of the covered species, including covered fish species protected under the ESA, and of the covered Species' habitat. AHCP/CCAA Section 4.4 provides an HPA-by-HPA assessment of habitat conditions. AHCP/CCAA Appendix A provides a more detailed description of each of the covered species. Additional information about habitat conditions, such as summer temperature profiles and appropriate thresholds, is provided in AHCP/CCAA Appendix C5. Fish data through 2000 has been included in the AHCP/CCAA in Section 4 and Appendix C, and will continue to be gathered continually as part of the presence/absence surveys. All the data collected as part of the monitoring measures will be utilized in Plan implementation, including adaptive management as described in AHCP/CCAA Section 6.2.6 and 6.3.6.

Response to Comment C4-27

Consideration of downstream receiving waters and the effects of other landowners' activities have been addressed in Master Response 3, regarding cumulative effects. The collection and dissemination of monitoring data have been addressed in response to Comment C4-23. The role of biological goals and objectives is clarified in Master Response 12. The Permit approval criteria, which do not establish a recovery standard, have been discussed in Master Response 8. Master Response 17 addresses road density, and Master Response 11 addresses disturbances index/rate of harvest.

Response to Comment C4-28

The selection of specific prescriptions, including whether they involve watershed rest or reductions in road density, or the measures proposed in the Plan is a matter of the Permit applicant's discretion (HCP Handbook at 3-19). The Services' role in designing the conservation program is to "be prepared to advise" (HCP Handbook at 3-6 and 3-7). Regarding comments pertaining to roads, see response to Comment C4-16. The ESA does not require that any particular measure be adopted or imposed, but only that its criteria for Permit issuance (see Master Response 8) be met.

Response to Comment C4-29

As to the request that the Services be able to "renegotiate prescriptions" during the Plan and term of the Permits, the Plan includes an adaptive management strategy (AHCP/CCAA Section 6.2.6) that will allow for some modification of prescriptions based on the results of the Plan's monitoring program. It, together with the IA, also includes measures to respond to changed and unforeseen circumstances (AHCP/CCAA Sections 6.2.9, 6.2.10 and IA Paragraph 4.3). Regarding the perceived need to provide for species recovery, see Master Response 8. Regarding the CFPRs, see Master Response 7.

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Letter - C5. Signatory -Bruce Campbell.

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Response to Comment C5-2

See Master Response 4.

Response to Comment C5-3

Climate change is not an impact of the Proposed Action. However, climate conditions in the Plan Area were taken into account in the development of the Plan. See AHCP/CCAA Section 4 for a summary of relevant conditions in the 11 HPAs as related to the covered species.

November 18th, 2002

Bruce Campbell
614 Gretna Green Way
Los Angeles, CA 90049

Ms. Amedee Brickey (USFWS)
Mr. James F. Bond (NMFS)
1655 Heindon Rd.
Arcata, CA 95521

Re: Comment on Simpson Draft Environmental Impact Statement, Aquatic Habitat Conservation Plan / Candidate Conservation Agreement with Assurances, and Draft Implementation Agreement

Dear Ms. Brickey and Mr. Bond:

There are appalling deficiencies in these documents and here are some of the main problems with Simpson's theories, analysis, and the limited amount of these words which actually are required to be put into practice (and that is assuming there is any sort of enforcement):

C5-2

1. No analysis of the impacts of herbicide use and commercial fertilizers on amphibian and salmonid species;

Just because Simpson is not including herbicide and fertilizer use under covered activities in its application for an Incidental Take Permit (ITP) from NMFS, or under covered activities in its application for an Enhancement of Survival Permit from the USFWS, does not mean that use of fertilizers and herbicides (which obviously make it into North Coast waterways and riparian areas) can be excluded from analysis as far as cumulative impacts on water quality or on likelihood of survival of various listed and other species of note. I strongly urge this to occur in the Supplemental DEIS and other supplemental documents relating to Simpson's holdings and don't forget to analyze impacts from inert ingredients and adjuvants in and related to herbicide use in this analysis.

C5-3

2. Inadequate analysis of climate change and its impact on amphibian and salmonid species;

A little section on climate change in an Appendix mentions some warming in Northern Pacific in last couple decades (especially in certain years) and discusses some impacts it has had on north coast salmonids. It also mentions that while there has been climate changes over time that it is especially disturbing to have both larger climate changes impacting species combined with human activities impacting species. I just want to add to that by saying that global climate change impacts combined with human / industry-related impacts which impact species in many ways including micro-climate and to an extent regional climate changes was not sufficiently analyzed in these documents.

Response to Comment C5-4

See Master Responses 1 (Baseline) and 10 (Alternatives) for a discussion of the range of alternatives considered and how alternatives were considered in the AHCP and EIS. (Please note that there is no requirement to consider alternatives in the CCAA process.) The Services have determined that the alternatives in the EIS represent an appropriate range of reasonable alternatives consistent with NEPA requirements (see 40 CFR 1502.14). The alternatives considered in AHCP/CCAA Section 8 were prepared by Green Diamond in consultation with the Services. Alternatives also are described in more detail in EIS section 2.

Response to Comment C5-5

See Master Responses 1 (Baseline), 3 (Cumulative Impacts), and 10 (Alternatives) for a discussion of the appropriate baseline for the analysis, including the consideration of past actions.

Response to Comment C5-6

The important role of biological goals and objectives is discussed in Master Response 12. As discussed therein, the relationship of the Plan's biological goals and objectives and the Operating Conservation Program is consistent with the Services' Five Points Policy.

For the duration that Green Diamond retains the permits, implementation of each of the measures set forth in the Operating Conservation Program will not be voluntary upon issuance of the Permits - the Operating Conservation Program reflects the binding, enforceable commitments that Green Diamond is making to qualify for and comply with the requirements of ESA Section

C5-4 3. Horrible range of alternatives (including the No Action Alternative which involves a huge amount of actions) to help Simpson and CH2M Hill conclude that the Preferred Alternative is best;

C5-5 4. Naive assumptions that there is benevolent management which actually helps species on corporate and federal lands and waterways in HPAs and watersheds discussed -- thus there must be assessment of state and federal land management actions outside of the 11 HPAs and the sentence must be struck on page 4-5 of the DEIS which says, "In addition, state and federal land management actions outside the 11 HPAs are not assessed because almost no timber harvesting occurs on these state and federal lands and streamside and upslope activities on these lands that could affect aquatic resources are extremely limited.";
Klamath National Forest (among other NFs) have significantly clearcut logged and road built in the last couple decades and is even proposing logging in such pristine areas as the Salmon River watershed. Rather than call some of these management activities basic Timber Sales which they are, there are many disturbing practices which are allowed to proceed while masquerading as fire salvage or forest health-related measures -- essentially public relations spinmeisters at work. #12 below discusses the impact that the Dept. of Interior / Bureau of Reclamation had on Klamath River fish while some cumulative impact analysis within the documents admits sedimentation far downstream due to up-watershed activities. Get a clue, the Bush Adm. is taking pre-emptive strikes against species to help resource-extracting industries and chemical-intensive farming. #13 has some info on how corporate landowners (especially PL) are not abiding by the law in their forest practices. Also strike the sentence on page 4-19 of the DEIS that, "Current protections for and benefits to geomorphology in those HPAs where federal agencies are the predominant land managers would be expected to continue into the future."

C5-6 5. The biological goals and objectives are meaningless since apparently the "Operating Conservation Program" is the only thing Simpson is supposed to follow;
And even in this only document which has any teeth at all, page 6-3 of the Simpson AHCP/CCAA says that, "The CCAA portion of this Plan will provide benefits to the ESP Species through Simpson's implementation of the VOLUNTARY conservation measures contained in the Operating Conservation Plan (Section 6.2)." How much of the Simpson Operating Conservation Plan is voluntary?

C5-7 6. There are too many words in the OCP which allow activities destructive to habitat of the noted species -- terms like "fall trees on a field verified headwall swale for worker safety and to create yarding corridors of up to 25 feet in width" and "new road construction will avoid field verified headwall swales wherever feasible";

C5-8 7. Allows too much management in both Riparian Slope Stability Management Zone and in Slope Stability Management Zones;

10(a). What is voluntary is the decision of a non-Federal landowner to prepare and propose an HCP, seek an incidental take permit and be bound by their terms upon approval. As a general matter, the Services cannot require any non-Federal landowner to apply for incidental take permit coverage. However, landowners have a choice: comply with the take prohibition of ESA Section 9 or seek section 9 take exemption through an incidental take permit. Green Diamond has elected to seek take exemption and is expected to implement all of the commitments contained in the Operating Conservation Program.

HCPs can be developed for listed species, and also can cover proposed, candidate or other unlisted species. The decision to propose for inclusion an unlisted species in an HCP is also voluntary. Further, all of the CCAA species covered by this Plan (which have been discussed in AHCP/CCAA Sections 1.3.3 and 4) currently are unlisted. The inclusion of measures to benefit these species, have been included as binding commitments in the Operating Conservation Program.

Response to Comment C5-7

The Services believe these measures are consistent with the biological goals and objectives of the Plan and consistent with the approval criteria for these permits. Management considerations are proper in an the Plan. These measures are part of a whole suite of measures designed to meet those goals and objectives. The ESA does not establish a “no take” or “no impact” standard for Section 10(a) permits. Instead, it requires a permittee to minimize and mitigate the impacts of take to the maximum extent practicable for an ITP and to provide benefits for the ESP species that, when combined with the benefits that would be achieved if it is assumed that conservation also were implemented on other necessary properties, would preclude or avoid any need to list them in the future (see Master Responses 8).

Response to Comment C5-8

The Plan limits management in Slope Stability Management Zones (SMZs) and Riparian Slope Stability Management Zones (RSMZs) by pre- and post-harvest requirements including silviculture method (and therefore minimum stand volume), minimum overstory canopy, retaining trees that are likely to recruit or that are considered to be important to stream bank stability, and increased vegetative buffer widths for steep streamside slopes. The intent of these measures was to minimize the impacts of take associated with the covered activities on slope stability and incrementally reduce management related landslide sediment delivery. The modeled effectiveness of these measures is shown in AHCP/CCAA Tables F3-3, F3-4, F3-5, and F3-8. Also, these conservation measures must be considered in the context of the total Plan, which includes conservation measures for harvest-related ground disturbance, road related sediment sources, large woody debris recruitment, effectiveness monitoring, and adaptive management (as described further in AHCP/CCAA Section 6.3), The Services are satisfied that the Operating Conservation Program, which reflects the collection of all conservation measures, meets the ESA Section 10(a) approval criteria. See Master Response 8.

Response to Comment C5-9

See response to Comment C5-8.

Response to Comment C5-10

The Services are not aware of any data available to support a contention that redwoods are a much smaller component of the trees on Green Diamond land than they have historically been in the past.

With regard to the preference for harvesting redwoods, the only place in the Plan where a preference for harvesting redwoods is addressed is in AHCP/CCAA Section 6.2.1.2.2, Number 2. The reason for harvesting redwoods (in cases where it is appropriate to harvest trees within RMZs under the Plan) in preference to other conifers along watercourse banks is that redwoods resprout following cutting so the stumps retain their roots and, therefore, sustained bank stability versus other conifers where the roots die after the tree stem is severed.

Response to Comment C5-11

As described in EIS Section 3.3.5 (Water Quality) and AHCP/CCAA Section 4.3.6, only one watershed in the Plan Area is listed as impaired under Section 303(d) of the Federal Clean Water Act (CWA) for turbidity. Other watersheds are listed for sediment. The range of mean daily turbidity values (NTU) for the Klamath, Smith, and Eel rivers is reported in Table 3.3-3 of the EIS. General effects of suspended sediment on aquatic resources are described on page 3-93 of the EIS under the heading Effects of Forest Management on Water Quality. One of the conservation measures included in the Plan restricts use of roads, landings, and skid trails at any time of the year if such use results in runoff of

C5-9 8. Due to its steepness (and due to fairly pristine nature of Blue Creek and due to massively impacted Coastal Klamath zone), no timber management should be allowed in the SSMZ as well as none in the RSMZ in these areas;

C5-10 9. Redwoods are a much smaller component of the trees on Simpson land than in historical times and thus should be preferentially left as habitat rather than preferentially logged;

C5-11 10. Incorporate data and analysis relating to Turbidity into the DEIS, other documents, and into the Operating Conservation Program;

C5-12 11. So-called "baseline data" tends to be from heavily impacted areas and thus is not an ideal background to compare streams and habitat in Simpson-managed areas (there are reasons why amphibians now mostly prefer headwaters areas -- due to lousy timber management and related road problems in areas further downstream);

C5-13 12. The Fall Chinook of the Klamath River obviously should now be listed under the ESA due to the recent massive die-off of perhaps 33,000 of them due to the diversion of Klamath river water to heavily pesticide-using potato farmers on federal land in the Upper Klamath Basin -- this is significant enough to require a Supplemental Draft EIS to account for this disturbing new info;

Species such as Coho, steelhead, sturgeon, and suckerfish were somewhat impacted as well by the very low water level meaning increased temperatures and increase in disease resulting in killing about 33,000 fish in the Klamath. The Klamath fish kill makes moot the theory (though it does say Covered Species which should include Klamath Chinook Salmon upon re-evaluation of recent biological information) on page S-10 of the AHCP/CCAA that it is only a "few isolated streams or stream reaches have water temperatures that could cause local declines in populations of Covered Species but are not likely to be potentially responsible for regional declines."

13. The Pacific Lumber Company has been ignoring a court order issued on August 29th, 2002 (and then once again reiterated by the court), and continue to illegally log their land despite the judge telling them to at least temporarily halt all timber harvest plans relating to the Headwaters Agreement and HCP (which is all of them);

Not only does PL not have good protections in their HCP, but continually ignore various laws, while CDF, CDFG, the Resources Agency, and Attorney-General's office has no impetus to enforce the law likely due to timber industry pressure and contributions to certain officeholders and candidates. With this record, one cannot assume that PL abides by their HCP let alone does reasonably protective management on the watersheds in the Humboldt Bay and Eel River HPAs -- plus PL has even proposed logging in the Allen Creek set-aside area which would obviously negatively impact murrelet and other habitat.

C5-15 14. Whether or not Pacific Lumber is abiding by it, at least PL's HCP does not allow logging on mass-wasting areas including headwall swales -- unlike Simpson's proposal;

waterborne sediment in amounts sufficient to cause a visible increase in turbidity in any ditch or road surface which drains into a Class I, II, or III watercourse (AHCP/CCAA Section 6.2.3.5.23 Number 3; See also, for example, AHCP/CCAA Sections 6.2.3.5.10 Number 3, 6.2.3.7.3 and 6.2.3.11.1). These and other measures designed to minimize sediment production and delivery to Plan Area streams. The environmental consequences resulting from implementation of the proposed Plan on sediment production and delivery are described in EIS Section 4.4.3.3. The EIS analysis concludes that sediment production and delivery to Primary Assessment Area streams would be reduced under the Proposed Action compared to the No Action Alternative.

Response to Comment C5-12

See Master Response 1.

Response to Comment C5-13

Species, whether federally-listed or not, are included in an HCP/CCAA at the sole discretion of the Permit applicant - the Services do not require that a particular species be included. The species Green Diamond has elected to cover in the Plan and Permits have been identified in AHCP/CCAA Sections 1.3.3 and 4. See Master Response 1.6 about the 2002 fish die off in the Klamath River.

Response to Comment C5-15

The Services are satisfied that the Plan as a whole meets the ESA Section 10 (a) approval criteria and that the Plan is not necessarily required to adopt all the same prescriptions that are contained in other HCPs. As stated above, the particular suite of prescriptions, which may or may not include a restriction of activity on mass-wasting areas such as headwall swales, is a matter of the Permit applicant's sole discretion (HCP Handbook at 3-19). However, the Services' role is to ensure that a Permit application meets applicable criteria for Permit issuance, which have been discussed in Master Response 8 and in AHCP/CCAA Section 1.4.1. Briefly, the ESA requires an ITP applicant to minimize and mitigate the impacts of authorized take to the maximum extent practicable, to ensure that permitted take does not appreciably reduce the likelihood of survival and recovery of the species in the wild, and requires an ESP applicant to provide benefits that, when combined with the benefits that would be achieved if it is assumed that conservation also were implemented on other necessary properties, would preclude or avoid the need to list those species. Because the Services believe that the Plan meets these standards (see AHCP/CCAA Section 7), there is no basis to reject the application on the grounds suggested in this comment.

Regarding the Pacific Lumber HCP and comparison of its measures with those in this Plan, see Master Response 6.

Response to Comment C5-16

A description and assessment of the current status of covered species and their habitat is provided in AHCP/CCAA Section 4. Comments regarding the establishment of an appropriate baseline have been addressed in Master Response 1. See response to Comment G4-19 for a discussion of the concern raised about altered hydrology. A summary of mitigation and minimization of impacts, including cumulative effects, is provided in AHCP/CCAA Section 7.4. Conclusions have been provided in AHCP/CCAA Section 7.6. Comments regarding analysis of cumulative effects have been addressed in Master Response 3.

Response to Comment C5-17

The analysis in Section 7 of the AHCP/CCAA and Chapter 4 of the EIS provides a formal, detailed "biological assessment" of effects in accordance with the respective standards of the ESA and NEPA. The Services have prepared a Biological Opinion and determined that implementing the Proposed Action is likely to jeopardize the continued existence of covered species or adversely modify critical habitat.

Response to Comment C5-18

The Plan presents data in Appendix C-1 on stream assessments that include an index of embeddedness, but no direct measures of this variable. In addition, these data were collected for fish bearing reaches of streams, which generally do not include the headwater stream segments in which tailed frogs and torrent salamanders are found. As described in AHCP/CCAA Section 3.2.2.1, Diller and Wallace (1996 and 1999) found that both amphibian species tend to be associated with streams that have fewer fines and less

C5-16

15. Proposals given for Simpson management are insufficient to limit ongoing harm to covered and other species of note due to cumulative watershed effects such as activities altering hydrologic and sediment regimes -- the one-size-fits-all default management no matter what the condition of the watershed is inadequate and ridiculous;

Despite some earlier summary results of cumulative impact assessment on the same page, yet page S-9 of the AHCP/CCAA says that "the hydrology of a large portion of a sub-basin or watershed would need to be altered before the magnitude of the response would be large enough to impact the Covered Species." Large portions of these watersheds are already impacted which is why the baseline data used in these documents is insufficient.

C5-17

16. There needs to be a detailed formal biological assessment of viability of covered and other species of note in the planning area -- this assessment must be in the Supplemental DEIS and related updated documents;

C5-18

17. While there are lots of graphs and words about sediment delivery, it makes sense to have quite specific discussions about what impacts to covered species and other species of note would be due to future sediment delivery;

C5-19

18. Due to the conclusion that roads are related to more sediment delivery to streams than logging sites, it is assumed that massive clearcutting can continue without impacting aquatic species -- is there biological evidence proving this and where is it?

It is presumptuous to claim that road upgrades are sufficient to reduce sediment delivery to the point of helping species, so certainly it makes no biological sense to allow new roads to be built, including major roads on streamside slopes and road construction across headwall swales.

C5-20

19. There is evidence that most CA Forest Practice Regulations are not sufficient to protect aquatic species, yet Simpson's plan only changes a few things in these regs with some changing for the worse such as ending the rule to leave the ten largest trees in riparian areas;

There is so much discussion as well as graphs and surveys about Large Woody Debris in the documents, yet it seems like it is a cover to distract attention from logging too close to streams, including further changing composition of tree species away from older conifers which are precisely the best trees to contribute LWD to riparian areas in the future.

C5-21

20. A Supplemental DEIS and related documents should scrutinize and analyze whether the Simpson plan meets all applicable decision standards -- also while Simpson staff on instructions from lawyers may act like they will exercise discretion to help watersheds and species, when one gets on the ground there is often contempt for such measures and a focus on getting the cut out, and let's log these big ones because let's claim it is needed for worker safety or because we have to cable-yard right in that area or it is not feasible to leave those big redwoods / conifers;

embeddedness. Consequently, the Operating Conservation Program includes numerous measures to reduce fine sediment delivery into streams throughout the Plan Area. See, for example, AHCP/CCAA Section 6.2.3 regarding road management measures, and Section 6.2.4 regarding harvest-related ground disturbance measures. Observations throughout the Plan Area indicate the largest source of fine sediments is from roads, which is why the Plan is focused on reducing sediment production from roads, and that focus is correlated very well with the life history requirements for the covered amphibian species.

Response to Comment C5-19

It is true that determining absence of a species is practically impossible, so that apparent extinctions may give false negative indications. However, this outcome means that the monitoring trigger is more conservative, or in other words, more likely to trigger adaptive management than is necessarily warranted. In addition, the monitoring was not focused on the habitat in headwater streams for the same reason described previously in response to Comment G10-41. The Services further note that headwater amphibian monitoring should not be considered in isolation, but in the context of all the other monitoring actions that will be concurrently taking place (see AHCP/CCAA Section 6.2.5).

Under the Proposed Alternative, triggering of a yellow light will result in notification to the Services within 30 days after Green Diamond's internal assessment indicates that yellow light threshold has been exceeded, and the Services and Green Diamond will work together to determine the cause of the exceedance and to determine any and all management changes necessary to address the situation. Within the limit of the AMRA (see Master Response 15), all necessary measures will be taken to address the issue. The Services believe that this collaborative approach to responding will benefit the covered species and their habitats in the Plan Area.

Response to Comment C5-20

The Plan contains a conservation strategy that relies on a suite of conservation measures that, as a whole, provide greater protection than the CFPRs. The Services note that Plan approval and issuance of the Permits would not excuse Green Diamond from its obligation to comply with otherwise applicable laws, including the CFPRs, under the Proposed Action (see AHCP/CCAA Section 1.4.2). Additional text has been added to EIS Section 2.2 (Proposed Action) for clarification purposes.

Regarding "older" conifers within riparian areas under the Proposed Action relative to the No Action Alternative, as noted in EIS Section 4.5.3.2, only a small proportion of trees within RMZs would be harvested under the Proposed Action. Those that remain would continue to mature and trees in the RMZs would age throughout the term of the proposed Plan. Modeling results referenced in this section suggest that riparian areas under the Proposed Action would comprise more mature trees by the end of the Permit term, compared to the No Action Alternative. See AHCP/CCAA Section 6.2.1, which includes riparian management measures, and Master Response 18, regarding riparian widths.

Response to Comment C5-21

As stated in AHCP/CCAA Section 5.5.2, for water temperatures less than lethal, the effect of elevated temperature on aquatic life tends to be cumulative. Therefore, short-term increases, as measured by the absolute maximum temperature, are less likely to be harmful than chronic, long-term increases as measured by the 7DMAVG temperature. Therefore, as described in the Plan, "red and yellow light" threshold criteria were developed to adequately monitor and provide protection to covered species on a long-term temperature basis.

As stated in AHCP/CCAA Section 3.3.1.3.1, to develop the temperature monitoring threshold values, 7DMAVG temperatures from monitoring studies conducted since 1994 were regressed on the square root of drainage area at stream locations known to support populations of the two covered amphibians and coho salmon species (the most temperature sensitive of the covered species). This regression relationship provided

the basis of the “red and yellow light” temperature threshold criterion proposed for monitoring (AHCP/CCAA Section 6.2.5.5.1) and it provides for variability in watershed characteristics as discussed above and not on an absolute maximum temperature or a temperature threshold (e.g., acute lethal) value from the literature. Evidence in the Plan indicates that the existing water temperature conditions for the vast majority of the habitats within the Plan Area currently meet not only the acute short-term temperature needs for covered species’ survival, but also the chronic long-term temperature needs to ensure adequate growth, smoltification and reproduction for the covered species in the streams being monitored (see AHCP/CCAA Sections 3 and 4). This fact is evidenced by the presence of juveniles of covered species throughout the Plan Area. Finally, the Services are not required to presume that a permittee will not comply with the provisions of the Permits.

C5-22

21. Why does it say on page 6-2 of the Simpson AHCP/CCAA "the IA, if used,"? Is the Implementation Agreement optional?

I also find it appalling that, as it says earlier on the aforementioned page, "Permitees are not required to achieve the HCP's biological goals and objectives to comply with their permits."

C5-23

22. I object to the claim that since the Klamath, Smith, and Eel Rivers are larger watersheds that Simpson can only have a small impact on species in these drainages;

There has been considerable extirpation of some of these species of note in the lower Klamath area streams due to intensive clearcutting, roadbuilding, and herbicide spraying largely by Simpson.

C5-24

23. It is disturbing that in discussion of the LWD objective that there is emphasis on mature stands over the life of the plan -- it sounds like, as with the PL HCP/SYP, that near-future liquidation of almost all large confers including in the riparian areas will take place, and then the companies try to impress us that many decades down the line that there will be good habitat.

The species need to recover rather than have degraded habitat in the near term which many could not survive.

C5-25

24. It is very disturbing to see that there are plans to focus on extracting merchantable trees especially redwoods from even riparian areas;

Where are the studies showing that species of note do better with changed composition of trees as vs. the trees which were the main riparian and LWD components during the evolution of the species? Also there is confusion on page 6-27 in regards to whether all trees over 12 inches dbh will be removed within 5 feet from the top of a cut slope. It is disturbing under Default Prescriptions for SMZs to see that only "where feasible" will there be "All species and size classes represented in pretreatment stands" in the post-harvest composition. I also read in the documents that similar species will be planted as were found in given areas. I find this surprising since Simpson is well-known for converting predominately redwood areas to Douglas-fir plantations while spraying herbicides to kill hardwoods and brush. I imagine this claim regarding planting various species rather than monoculture will also not need to be implemented -- is this the case or does this claim have enforceable teeth?

C5-26

25. It is disturbing to see the word "initial" in discussing silvicultural prescriptions to be employed in the riparian areas -- it says there will be single tree selection initially -- will they move to more clearcutting later on?

Sincerely yours,

Bruce Campbell

Bruce Campbell

Response to Comment C5-22

The ESA and applicable regulations do not expressly require preparation of an IA. The decision of whether to prepare one depends on the size and scope of the HCP and the wishes of either the Services or the applicant (HCP Handbook at 3-36). The Services and Green Diamond have chosen to utilize an IA in this case. All parties sign the IA and compliance with its terms is not optional. See IA paragraph 4.1(a).

Biological goals and objectives have been discussed in AHCP/CCAA Section 6.1. Comments regarding the role of biological goals and objectives, including an explanation of why direct compliance with them is not required, have been addressed in Master Response 12.

Response to Comment C5-23

Comment noted. Concerns regarding consideration of cumulative effects on the species of concern to the commenters in these streams have been addressed in Master Response 3.

Response to Comment C5-24

The adequacy of an HCP's measures is judged in relation to the conservation benefits provided during the term of the Plan. The large woody debris (LWD)-related prescriptions in the Operating Conservation Program (AHCP/CCAA Sections 6.2.1.6.2 and 6.2.1.7.5) call for leaving existing trees in the riparian areas that are likely to recruit to the watercourse and become LWD. In addition, the prescriptions that will be implemented in the riparian management zones will provide for an increase in the maturity of forest stands in the RMZs (AHCP/CCAA Sections 6.2.1.2 and 7.2.1.2). Furthermore, the ESA does not require Permit applicants

to affirmatively recover species. The appropriate standards have been discussed in Master Response 8.

Response to Comment C5-25

The Services are satisfied that the Plan as a whole meets the ESA Section 10 (a) approval criteria. The Plan's riparian management measures have been provided in AHCP/CCAA Section 6.2.1 and comments regarding operations in riparian areas have been addressed in Master Response 18. Preferential harvest of redwoods is mentioned specifically in AHCP/CCAA Section 6.2.1.2.2 in relation to bank stability; this measure recognizes that redwoods re-sprout following harvesting, so stumps retain their roots, thereby maintaining bank stability, whereas the roots of other tress dies following harvesting, thereby reducing bank stability. The ESA does not require that any particular measure be adopted or imposed, but only that its criteria for Permit issuance be met. Issuance criteria have been discussed in Master Response 8.

This comment requests clarification regarding "whether all trees over 12 inches dbh will be removed within 5 feet from the top of a cut slope." As provided in AHCP/CCAA Section 6.2.3.5.4 "trees greater than 12 inches dbh within five feet of the top of the cut slope may be retained if they will not be susceptible to windthrow or of being undercut."

Response to Comment C5-26

AHCP/CCAA Section 6.2.2.1.7 of the provides that the initial silvicultural prescription in SMZs will be single tree selection, and that there would only be one harvesting entry of SMZs during the term of the Plan and Permits, except where cable yarding corridors are necessary for intermediate treatments. In this section, "initial" indicates that the prescription is an initial default that could be changed as a result of the steep streamside slope assessments discussed in AHCP/CCAA Sections 6.3.2.3.1, 6.3.5.4.3, 6.2.6.1.3 and 6.2.6.2.

Letter - C6. Signatory -Joyce King.

Response to Comment C6-1

Harvest rates for the timberlands managed by Green Diamond are practically constrained by current CFPRs (including the requirement to demonstrate sustained yield over a long planning horizon), as well as other requirements applicable to timber operations, as described in the Plan and EIS. See AHCP/CCAA Section 1.4.3. See also Master Response11, regarding rate of harvest.

Response to Comment C6-2

Methodologies selected in the EIS and AHCP/CCAA to analyze cumulative effects under NEPA and the ESA are discussed in Master Response 3. The AHCP/CCAA Section 7 utilizes Section 4's assessment of current conditions for the covered species in the Plan Area and Section 5's general assessment of the potential impacts of Covered Activities (see AHCP/CCAA Section 1.3.4, Section 2) that may result in take as well as the effects, including cumulative effects, on the covered species that may result from such take. This section draws conclusions regarding the conservation strategy's potential effectiveness in addressing both direct and cumulative impacts of take on the covered species (see AHCP/CCAA Sections 7.7.4 and 7.6). EIS Section 4.1 sets out the methodologies used for assessing potential cumulative effects of the proposed action on the environment, including on geology and geomorphology, hydrology and water quality, aquatic resources, vegetation and plant species of concern, terrestrial habitat and wildlife species of concern, air quality and other areas. The Services are satisfied that the cumulative impacts analysis is proper and sufficient in methodology and analysis and that the conclusions of the EIS and Plan are correct with regard to cumulative effects.

Ms. Ammedee Brickey
U.S. Fish and Wildlife Service
1655 Heindon Road
Arcata, CA 95521
FAX: 822-8136

Re: Review of Simpson Resource Company Aquatic Habitat Conservation Plan (Plan)

Dear Ms. Brickey:

C6-1 The documents contained provide methodologies for calculating appropriate rates of harvest for recovery of local watersheds which, like the Mad River, are listed as cumulatively impacted for sediment, and should be employed to determine appropriate rates for Simpson timberlands.

C6-2 They also contain strategies for evaluating cumulative effects, which should be the first task and major consideration in determining prescriptions for all of our cumulatively impacted watersheds.

The *Review of "Engineering geologic and zero net dischrge study of the proposed timber harvest plan" THP: Upper Alwardt* is included to illustrate the problem of reliance on professional judgement, or credentialed professionals for identifying mass wasting hazards. Epidemiological studies show many such failures among the highest ranks of professional geologists and foresters.

Thank you for the opportunity for public comment.

Joyce King 11/19/02

Joyce King
1658 Ocean Drive
McKinleyville, CA 95519

Federal Agencies: F

Letter - F1. Signatory -US EPA, Region IX.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

December 12, 2002

Steve Thompson, California/Nevada Operations Manager
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Rodney R. McInnis, Regional Administrator
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

Ken S
RECEIVED
DEC 19 2002
CALIFORNIA/NEVADA
OPERATIONS OFFICE

Dear Sirs:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for **Authorization for Incidental Take and Implementation of a Multiple Species Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances** covering Simpson Resource Company (Simpson) lands in Del Norte and Humboldt Counties, CA (CEQ Number: 020347). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We appreciate your willingness to accept these comments after the formal comment deadline, as discussed with your agency staff.

The DEIS analyzes potential environmental impacts associated with approving applications for an Incidental Take Permit and Enhancement of Survival Permit under Section 10 of the federal Endangered Species Act (ESA). Simpson is requesting authorization for the incidental take of three fish Evolutionary Significant Units (ESUs) that are listed as threatened under the ESA: Southern Oregon/Northern California Coast coho salmon, California Coastal chinook salmon, and Northern California steelhead. Simpson is also requesting authorizations for the incidental take of three other fish ESUs: Southern Oregon/Northern California Coast chinook salmon, Upper Klamath/Trinity Rivers chinook salmon, and Klamath Mountains Province steelhead; two fish species: coastal cutthroat trout and rainbow trout; and two amphibian species: southern torrent salamander and tailed frog--these fish ESUs, fish species, and amphibians are not currently listed, but could potentially become listed in the future.

In addition to No Action, the DEIS analyzes impacts associated with four action alternatives which vary according to the number of species and the geographic area covered, and the complexity of management prescriptions. The DEIS does not identify a preferred alternative. In general terms, the impacts associated with implementation of the proposed Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances are expected to be beneficial compared to No Action.

EPA commends the approach of developing a comprehensive aquatic management strategy to address potential impacts to listed and potentially listed fish and amphibian species. We agree that there are benefits to be derived from addressing these risks through a single permit rather than addressing the issue in the context of individual Timber Harvest Plan (THP) reviews. While we support the proposed plan in general terms, we have specific concerns related to water temperature impacts. These concerns, and additional recommendations and requests for clarification are included in our detailed comments (attached).

EPA has assigned a rating of **EC-2 (Environmental Concerns--Insufficient Information)** to the DEIS. Please refer to the attached "Summary of Rating Definitions" for further details on EPA's rating system. EPA appreciates the opportunity to review and comment on the DEIS. Please send a single copy of the Final EIS to the address above (Mail Code: CMD-2) when it is filed with EPA's Washington, D.C. office. If you have any questions, please feel free to contact me or Leonidas Payne, the point of contact for this project. Leonidas Payne can be reached at 415-972-3847 or payne.leonidas@epa.gov.

Sincerely,

Lisa B. Hanf

Lisa B. Hanf, Manager
Federal Activities Office

Attached: Detailed Comments
Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Response to Comment F1-1

As a result of changes made to the DEIS in response to this comment and others and the inclusion of additional information, the Services have determined that the FEIS contains sufficient information to conduct the required analyses. As described in EIS Section 2.2.3, measures superseding those described under the No Action Alternative, plus additional Plan conservation measures, would include:

- Within the outer zone of the RMZ, at least 70 percent overstory canopy would be retained, except for Class I RMZs located below SMZs, where 75 percent overstory canopy closure would be retained (see AHCP/CCAA Section 6.2.1).
- Within the RMZ, no trees would be harvested that are judged likely to recruit to the watercourse (AHCP/CCAA Sections 6.2.1.2.4 through 6.2.1.2.6).
- During the life of the Permit, only a single harvest entry would occur into a Class I or Class II RMZ (AHCP/CCAA Sections 6.2.1.2 [Class I] and 6.2.1.4 [Class II]).
- Timber harvesting would be prohibited within all Class I and 2nd order or larger Class II RMZ inner zones that are located below SMZs (i.e. RSMZs) (see AHCP/CCAA Section 6.2.2.1), except for purposes of creating cable-yarding corridors when other options are impractical. Retention of a minimum 85 percent overstory canopy closure would be required in Class I and 2nd order or

Detailed Comments for Simpson Aquatic Habitat Conservation Plan DEIS

Water Temperature

F1-1 The DEIS indicates that harvest practices under the proposed alternative will decrease the amount of canopy, thus reducing shade. However, Page 7-21 concludes that there will be no measurable change in water temperature. EPA's own modeling of watersheds with varying characteristics, typical of those in the planning area, indicates significant cumulative impacts associated with reduced shade.[1] EPA recommends that the lead agencies apply a temperature/shade model (e.g., Qual2E/Shade or Basintemp) which can forecast the effects of reduced shade. These models are also capable of analyzing the cumulative effects of basin-wide shade reductions, including analyzing how small decreases in shade result in increases in temperature that can affect the entire hydrologic system.

F1-2 We also note that the DEIS does not explicitly address how the 85 percent overstory canopy requirement and the number of conifer stems are related to shade. EPA recommends that the amount of shade be monitored, as it is more directly related to stream temperature and can be measured quantitatively with a solar pathfinder. Alternatively, EPA recommends that shade be treated as specific standard to be met under the Aquatic Habitat Conservation Plan and Candidate Conservation Agreement with Assurances (AHCP/CAAA).

F1-3 On Page ES-5 of the DEIS, the lead agencies conclude that "implementing the proposed AHCP/CAAA or the other action alternatives would result in either no change to the environment or in beneficial environmental effects. No significant adverse effects are anticipated to occur....." It may be necessary for NMFS to reconsider its "no significant adverse effect" conclusion based on the modeling discussed above. If any reductions in shade are expected, then changes in temperature are expected to occur. We note that EPA Total Maximum Daily Loads (TMDLs) for temperature have taken the position that any change in stream temperature is adverse to beneficial uses.[2] NMFS should also clarify the degree of change that it would consider to be significant and adverse in the context of temperature.

Sediment

F1-4 The sediment source analysis in the DEIS compares current rates of sediment to expected reductions. Although this type of analysis provides the lead agencies with a sound basis for determining whether sediment impacts resulting from harvest operations under the

[1] See EPA's South Fork Eel TMDL and draft North Fork Eel TMDL, available on the web at www.epa.gov/region09/water/tmdls. Technical appendixes available by request.

[2] Ibid.

larger Class II RSMZ outer zones. In addition, no timber harvesting would be allowed within the entire RSMZ in the Coastal Klamath and Blue Creek HPAs (see AHCP/CCAA Section 6.2.2.1.5).

As described on page 4-46 of the EIS, there would be an immediate net reduction of canopy closure of up to approximately 15 to 20 percent following timber harvesting in the outer zone of Class I and II RMZs that would be replaced within 5 to 10 years through recovery of the remaining tree crowns. On average, approximately 1,000 feet of watercourse would be influenced by the average-sized harvest unit (currently about 25 acres) if the unit surrounds or is adjacent to a watercourse. Canopy closure, while expected to slightly decrease immediately following harvesting, is expected to increase relative to current conditions in all stands as they regrow subsequent to timber harvesting. Preliminary experimental results that support the conclusion that proposed riparian conservation measures would not result in significant impacts to aquatic resources resulting from a slight change in water temperature are presented in EIS Section 4.3.3.2 and AHCP/CCAA Appendix C-5.2 (Class II Paired Watershed Temperature Monitoring).

Some models predict increased temperatures as a result of small decreases in shade, assuming that the shade reduction is present throughout a large proportion of the basin. Such modeling was not incorporated because the Proposed Action does not lead to consistent reductions in stream shading on a basin-wide scale. Only small reaches of streams would be affected, with temporary and modest reductions in canopy closure (not necessarily stream shading), and with an increase in canopy cover relative to existing conditions over the term of Plan. In addition, much of the Plan Area is subjected to the cool coastal climate. Since there is little evidence that temperatures in Primary Assessment Area streams would be significantly altered under the Proposed Action within the proposed harvest units, there is no basis to believe that cumulative temperature impacts would occur at a basin-wide level.

Response to Comment F1-2

The Plan contains conservation measures that are based on assessments and monitoring of the covered species and their habitats throughout Green Diamond's ownership. Overstory canopy retention standards are used as a quantifiable (measurable) and enforceable standard to provide a desired minimum level of shade canopy within RMZs. (See AHCP/CCAA Section 6.2.1.2.1.) The overall effectiveness of the overstory canopy retention conservation measures will be determined from monitoring. Monitoring includes both (1) implementation monitoring to determine the level of compliance with conservation measures, and (2) effectiveness monitoring to determine the success of conservation measures, including those that are expected to protect water temperature. If the result of the effectiveness monitoring program determines that water temperature measures are not producing the intended results, changes to the conservation measures will be implemented by way of the adaptive management process.

Riparian shade will not be monitored over time. Instead, stream temperatures will be measured and monitored directly. Because the primary species of interest are cold water adapted aquatic animals, measurement of this physical characteristic will provide direct information about this attribute of habitat quality without the need to measure the indirect attribute of riparian shade.

Response to Comment F1-3

The Services have evaluated the potential for implementation of the Plan to adversely affect water temperature. The Services find that, notwithstanding the fact that temperature problems do exist in some parts of the region where the Plan would be implemented, site-specific information provides sufficient certainty that implementation of the Plan would result in either no change or improved environmental conditions when compared to the No Action Alternative and current conditions. As explained in EIS section 4.3.3.2, implementation of the Plan would result in more robust canopy closure and tree retention standards overall than under current CFPRs. The Plan is expected to result in lower temperatures over the life of the Plan than exist under current conditions. The Services believe their conclusions in the EIS are correct.

Response to Comment F1-4

The Services agree with EPA that reduction of the negative adverse conditions related to sediment production is an important consideration, and one of the major motivations for the Services and Green Diamond in developing the Operating Conservation Program. The analysis of sediment impacts under the Proposed Action is contained in EIS Section 4.2.3. As stated therein, sediment control would improve relative to the No Action Alternative. As suggested in the comment, this analysis is based on the comparison of impacts under the Proposed Action to impacts under the No Action Alternative. This is the appropriate comparison in accordance with NEPA requirements. It is not necessary to compare impacts to natural conditions (see Master Response 1 regarding Baseline). The Services believe that issuance of the Permits is not likely to jeopardized the continued existence of the covered species.

F1-4 AHCP/CAAA are significant and adverse as compared to no action, we recommend that the lead agencies clarify whether or not it is concluding that the resulting sediment loads (as an increase over natural conditions) are considered to be significant adverse impacts.

Clean Water Act (CWA) Compliance/Total Maximum Daily Loads (TMDLs)

F1-5 Certain water bodies covered by the AHCP/CAAA are included on the Clean Water Act, Section 303(d) list, but no TMDL determination has been made; others have a completed TMDL, but no implementation plan. To prevent any confusion with the joint Habitat Conservation Plan/TMDL document prepared by Simpson to address its lands in Washington State, the FEIS should clarify that the proposed AHCP/CAAA is not intended to address CWA/TMDL requirements. EPA requests that this be noted in the abstract, the executive summary, and in applicable sections of the DEIS.

Road Management Plan

F1-6 The Road Management Plan outlined in the AHCP/CAAA describes processes and standards for decommissioning roads, and identifies funding to be applied to road management objectives. We recommend that the Road Management Plan be expanded to include decommissioning targets (expressed in miles of roads eliminated or hydrologically closed over the life of the permit). We believe that such targets are necessary to quantify the net reduction in road density at the end of the permit term as discussed on Page 4-15. An additional benefit of adopting decommissioning targets is that it would allow success to be measured in terms of specific mileage and road density reductions in addition to money spent and sediment delivery avoided.

Cumulative Impacts--Reasonably Foreseeable Changes to California Forest Practice Rules

F1-7 Several alternatives which proposed changes to operations (e.g., a cessation of clearcutting) or the adoption of protections embodied in federal forest plans were not carried forward for further analysis. These decisions assumed that such changes would cause severe operational or financial impacts to Simpson. Although we understand the rationale for removing such alternatives from detailed consideration in the DEIS, we believe that the cumulative impacts analysis would benefit from a brief discussion of the potential benefits and impacts associated with reasonably foreseeable changes to the California Forest Practice Rules. For example, what would be the potential benefits to the aquatic species discussed in the DEIS if clearcutting was curtailed or eliminated under California law? What environmental and operational impacts would result if an upper diameter limit (e.g., 30 inches diameter at breast height) was imposed to protect remaining old trees in the State? What additional benefits would be derived if riparian buffers were increased to achieve consistency with the direction of the Northwest Forest Plan?

Response to Comment F1-5

Comment noted. Additional text has been added to the EIS Abstract, Executive Summary, Section 1.5.2.1 (CWA) and Section 3.3.5 (Water Quality) to clarify that the proposed Plan is not intended to address Federal CWA / TMDL requirements.

Response to Comment F1-6

Although this is primarily a comment on the HCP, please see Master Response 17.

Response to Comment F1-7

Since California's Z'berg-Nejedly Forest Practice Act was adopted in 1973, the CFPRs have been reviewed, amended and updated continually. Many amendments have dealt with water quality issues. The CFPRs have become more protective of environmental resources as a result of these amendments. However, while it may be reasonably foreseeable that additional change might be made, what those changes may be are not reasonably foreseeable. It would be speculative to predict specific changes in the rules, particularly where such change are not within the control of the Services. Accordingly, the Services chose not to attempt an analysis of benefits that might accrue from the specific changes the commenter predicts might occur. Additional discussion of issues associated with the cumulative effects analysis are addressed in Master Response 3.

Also see Master Response 10 for the number and range of alternatives.

Response to Comment F1-8

The Services agree with the suggestion to make the EIS understandable to the public. This was an objective in the preparation of the EIS, and the document was edited for readability prior to public review. Several factors have shaped the appropriate language in the document, including the following:

- It is necessary to accurately describe the methods and results from the technical analyses in order to demonstrate that the required findings and conclusions could be made.

- The Services anticipated that many of the likely reviewers of the EIS would be technically astute and familiar with the types of analyses presented (e.g., sediment and aquatic habitat in the North Coast).

Use of Plain English

F1-8

We believe the Final EIS would benefit from a thorough edit to remove excessively technical language. Since this is a public disclosure document, plain English should be used whenever possible. We offer the following example of overly-technical language to make our point:

> Grain detachment typically results from mechanical disturbance, such as rain-drop impact, or by overland flow, but may be facilitated by other mechanical influences such as ground disturbance by animals and harvest-related ground disturbance. Detached soil grains are typically transported by water, either by entrainment or suspension in overland flow, or by siltation. (Page 4-11)